

Remarks

Claims 11 and 20 are amended. Claims 11 to 20 are pending in this application of which only claims 11 and 20 are in independent form.

Applicants' attorney thanks Examiner Peché for the telephone interview scheduled for April 2, 2010 at 2:00 pm mutually agreed to in a telephone call between Examiner Peché and applicants' attorney on March 23, 2010. At the interview, the Examiner and applicants' attorney will discuss the amendment herein and a determination will be made as to whether a request for continued examination (RCE) can be avoided.

In the action, the Examiner noted that the applicants' argument on page 7, fourth paragraph, in the remarks of the amendment filed on July 23, 2009, was not incorporated into the applicants' claims. The applicants' argument quoted in the action is with reference to Kato et al and is as follows:

"The above clearly shows that the spring constant is proportional to the gradient of the pedal pressing force as a function of the pedal position. Such a gradient is nowhere discussed in Kato et al for detecting the operator-controlled function."

The Examiner correctly noted that the above description was not in the claim language and invited the applicants to amend their claims to include:

"the gradient of the pedal pressing force as a function of the pedal position."

In view of the Examiner's suggestion, applicants have

amended claim 11 to include the feature and limitation of:

"realizing different
operator-controlled functions of said
operator-controlled element in dependence
upon the degree of displacement or position
of said operator-controlled element wherein
changes in a pressing force applied by an
operator to said operator-controlled
element are a function of the position
thereof;" (emphasis added)

The above clause does not include the word "gradient" but
relies on the wording of their disclosure which essentially means
the same. Thus, on page 5, lines 15 to 17, the applicants'
disclosure recites:

"Several different degrees α of actuation
can be adjusted depending upon how strongly
or with what force the driver actuates the
accelerator pedal 1." (emphasis added)

From the above, it can be seen that the amendment of
claim 11 herein corresponds closely to the wording in the
applicants' disclosure as well as to the wording suggested by the
Examiner in the action.

The feature and limitation added to claim 11 is nowhere
suggested in Kato et al so that claim 11 should now patentably
distinguish the applicants' invention over this reference and be
allowable. Claims 12 to 19 are all dependent directly or
indirectly from claim 11 so that they too should now be
allowable.

Claim 20 parallels claim 11 in an apparatus context and has
been amended in the same way as claim 11 so that this claim too
should be allowable.

Applicants' attorney expresses his appreciation to
Examiner Peche for reviewing this amendment and for the upcoming
telephone interview scheduled for April 2, 2010.

Respectfully submitted,



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